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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/481,388	01/12/2000	Jeffrey Dwork	52352-310	5577

20277 7590 01/05/2005

MCDERMOTT WILL & EMERY LLP  
600 13TH STREET, N.W.  
WASHINGTON, DC 20005-3096

EXAMINER
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PATEL, NIKETA I

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/481,388		DWORK, JEFFREY	
	<b>Examiner</b>		<b>Art Unit</b>	
	Niketa I. Patel		2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

1-13 + 15-20

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 and 18-20 is/are allowed.
- 6) ☒ Claim(s) 15-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Response to Arguments***

1. In view of the appeal brief filed on 10/22/2004, PROSECUTION IS HEREBY REOPENED. Pursuant to further review after receipt of the appeals brief, examiner found the arguments regarding claims 1-14 and 18-20 to be persuasive however the arguments regarding claims 15-17 are not persuasive. A new rejection of the claims 15-17 is set forth below.

Prior art of record fails to set forth the limitation of providing access to the storage element so as to access the data as a first data element in a first register when the system operate with **a first type of software**, and as a second data element in a second register when the system operates with **a second type of software**, as claims 1-14 and 18-20 recite.

Regarding claims 15-17, at page 12 of the appeal brief, the applicant argues that the Hansen reference does not suggest selecting a path for accessing the same data element depending on a type of software used to operate the network interface and that the path for accessing the data element allocated in response to an address signal.

The Examiner respectfully disagrees with these arguments. Hansen reference does teach the limitation of selecting a path

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for accessing the same data element depending on a type of software used to operate the network interface and that the path for accessing the data element allocated in response to an address signal.[see Hansen column 7, lines 1-10 and figure 7, element 100, 101.]

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

***Allowable Subject Matter***

2. Claims 1-14 and 18-20 are allowed.

3. The following is an examiner's statement of reasons for allowance: see the comments made under the section 'Response to Arguments' above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to

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avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watkins U.S. Patent Number: 6,049,857 (hereinafter referred to as "Watkins") and further in view of Hansen U.S. Patent Number: 6,101,590 (hereinafter referred to as "Hansen".)

6. **Referring to claim 15**, Watkins teaches a network interface comprising: a host interface for supplying address, data and control signals from a host [see figure 2A - elements 210i-j; column 6 - lines 36-48], a storage element for holding a data element accessible via the host interface [see figure 2A - element 220], and alternate access circuitry coupled to the

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storage element for providing multiple paths for accessing the data element, and configured to select a path [see column 5 - lines 10-16, 58-61; column 6 - lines 7-16; 'address translation unit'] however, fails to set forth the limitation of accessing the data element depending on a type of software used to operate the network interface. *Hansen* teaches alternate access circuitry for providing access to the storage element depending on a type of software used to operate the network interface [see *Hansen* column 2 - lines 45-51, 'each of the tasks are different software'; column 4 - lines 45-57; column 5 - lines 30-54 and column 7, lines 1-10] resulting in a system which allows multiple programs to simultaneously share a computer system's main memory and increases the overall efficiency and flexibility of the system.

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the processing system of *Watkins* to allow multiple programs to simultaneously share a computer system's main memory. It is for this reason that one of ordinary skill in the art would have been motivated to substitute *Watkins's* alternate access circuitry with an access circuitry, which allows an access to a storage location based on the type of software that is running on the system, in order to allow

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multiple programs to simultaneously share a computer system's main memory and increases the overall efficiency and flexibility of the system..

7. **Referring to claim 16**, the system of *Watkins* as modified by the teachings of *Hansen*, as applied to claim 15 above, teaches that the path for accessing the data element is allocated in response to an address signal supplied from the network interface to access a predetermined register, when a selected type of software is used to operate the network interface [see *Hansen* column 2 - lines 45-51, 'each of the tasks are different software'; column 4 - lines 45-57; column 5 - lines 30-54.]

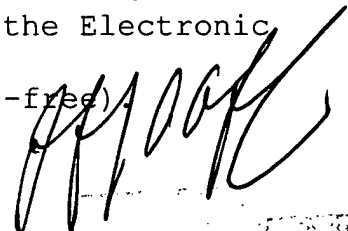
8. **Referring to claim 17**, the system of *Watkins* as modified by the teachings of *Hansen*, as applied to claim 15 above, teaches that the selected type of software requires the data element to be held in the predetermined register [see *Hansen* column 2 - lines 45-51, 'each of the tasks are different software'; column 4 - lines 45-57; column 5 - lines 30-54.]

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (571) 272 4156. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571) 272 4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JEFFREY A. GAFFIN  
12/28/2004

NP  
12/28/2004